

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

United States of America,) No. 08-MJ-03033
Plaintiff,)
v.) ORDER OF DETENTION AFTER
Ernesto Blancarte Duran,) HEARING
Defendant.) (18 U.S.C. § 3142(i))
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I.

A. () on motion of the Government involving an alleged

1. () crime of violence;
2. () offense with maximum sentence of life imprisonment or death;
3. () narcotics or controlled substance offense with maximum sentence of ten or more years (21 U.S.C. §§ 801, /951, et. seq., 955a);
4. () felony - defendant convicted of two or more prior offenses described above.

B. On Motion (✓) (by the Government) / () (by the Court *sua sponte*) involving:

1. serious risk defendant will flee;
2. serious risk defendant will
 - a. obstruct or attempt to obstruct justice
 - b. threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

II.

7 The Court finds no condition or combination of conditions
8 will reasonably assure:

- A. appearance of defendant as required; and/or
- B. safety of any person or the community

III.

The Court has considered:

- A. (X) the nature and circumstances of the offense;
- B. (X) the weight of evidence against defendant;
- C. (X) the history and characteristics of the defendant;
- D. (X) the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

A. (✓) Defendant poses a risk to the safety of other persons or the community because:

Defendant's criminal history including convictions involving narcotics and convictions involving dangerous weapons.

1 B. History and characteristics indicate a serious risk
2 that defendant will flee because:

3 Defendant's illegal reentry; his status in the
4 United States including prior detention and
5 lack of bail resources.

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10 C. A serious risk exists that defendant will:
11 1. obstruct or attempt to obstruct justice;
12 2. threaten, injure or intimidate a witness/juror

13 because:

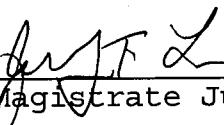
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20 D. Defendant has not rebutted by sufficient evidence to
21 the contrary the presumption provided in 18 U.S.C. §
22 3142(e).

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24 IT IS ORDERED that defendant be detained prior to trial.

25 IT IS FURTHER ORDERED that defendant be confined as far as
26 practicable in a corrections facility separate from persons
27 awaiting or serving sentences or persons held pending appeal.

1 IT IS FURTHER ORDERED that defendant be afforded reasonable
2 opportunity for private consultation with his counsel.

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4 Dated: 12-16-08


5 U.S. Magistrate Judge Jennifer T. Lum

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